

2733. Misbranding of Green Colored Transparent Plastic Strips, Red Colored Transparent Plastic Strips, Albert Christy's F & K Capsules, Albert Christy's Vitamin A and C Capsules, Albert Christy's True Extract of Garlic Capsules, Albert Christy's Calvite Calcium Phosphorus and Vitamin D Capsules, and Albert Christy's Tocopherol Capsules. U. S. v. 31 Green Colored Transparent Plastic Strips, etc. (F. D. C. No. 26592. Sample Nos. 26983-K, 26985-K, 27873-K to 27876-K, incl., 27879-K, 27880-K.)

LABEL FILED: February 15, 1949, Eastern District of Missouri.

ALLEGED SHIPMENT: A portion of the products, together with a number of booklets, were shipped from Cincinnati, Ohio, by Albert Christy, on or about December 20, 1948, and a portion of the products were shipped from Detroit, Mich., by the Freshman Vitamin Co., on or about December 30, 1948.

PRODUCT: 31 *Green Colored Transparent Plastic Strips*, 16 *Red Colored Transparent Plastic Strips*, 299 60-capsule boxes of *Albert Christy's F & K Capsules*, 231 60-capsule boxes of *Albert Christy's Tocopherol Capsules*, 122 30-capsule boxes of *Albert Christy's Vitamin A and C Capsules*, 28 50-capsule packages of *Albert Christy's True Extract of Garlic Capsules*, and 239 60-capsule packages of *Albert Christy's Calvite Calcium Phosphorus and Vitamin D Capsules* at St. Louis, Mo., together with a number of booklets entitled "Practical Consideration concerning the Purpose and Classifications of Vitamins and Minerals Said to be Necessary Food and Body Elements."

LABEL, IN PART: "Albert Christy's F & K Capsules A Food Supplement Ingredients in Each Capsule: Free Fatty Acids of Linoleic and Linolenic Acids 3 minims, plus one-tenth Mg. Vitamin K. * * * Directions: As a dietary supplement, one capsule per day," "Albert Christy's Tocopherol Capsules A food supplement Each capsule contains a concentrate of natural mixed tocopherols distilled from vegetable oils equivalent to 30 Mg. of Alpha Tocopherol (Vitamin E) * * * As a dietary supplement, one capsule per day. One of these capsules contains as much Vitamin E approximately as is found in 90 plain wheat germ oil capsules, of the same size. Not for medicinal use," "Albert Christy's Vitamin 'A' and 'C' Capsules A Food Supplement Each Capsule Contains: Vitamin A 5,000 U. S. P. units (from carotene) Vitamin C 600 U. S. P. units (ascorbic acid). Each capsule will supply the full minimum adult daily requirements of Vitamin A and C. Directions: As a dietary supplement, one capsule per day," "Albert Christy's True Extract of Garlic in Edible Vegetable Oils * * * A Food Supplement Oderless true extract of garlic in the same proportion as found in the whole fresh garlic bulb suspended in pure vegetable oils. * * * As a dietary supplement, two capsules per day," and "Albert Christy's Calvite Calcium Phosphorus and Vitamin D Each Capsule Contains: Vitamin D (irradiated ergosterol) 333 U. S. P. Units Dicalcium Phosphate Anhydrous 261.9 Mg. Calcium Gluconate 162 Mg. * * * As a dietary supplement, two capsules will supply over the minimum adult daily requirement of Vitamin D; 6-20 of the daily requirement of calcium; and approximately 1-3 this requirement of phosphrous. Not for medicinal use."

NATURE OF CHARGE: Misbranding, Section 502 (f) (1), the labelings of all of the articles failed to bear adequate directions for use for the purposes for which

the articles were intended; and, Section 502 (b) (1), the *Green Colored Transparent Plastic Strips* and the *Red Colored Transparent Plastic Strips* failed to bear labels containing the name and address of the manufacturer, packer, or distributor.

Further misbranding, Section 502 (a), certain statements in the booklets were false and misleading. These statements represented and suggested that the *Albert Christy's F & K Capsules*, the *Albert Christy's Tocopherol Capsules*, the *Albert Christy's Vitamin A and C Capsules*, and the *Albert Christy's Calvite Calcium Phosphorus and Vitamin D Capsules* would be effective to give one the ability to resist infection, to assimilate and utilize food normally, and to attain a general feeling of health and well-being; that the *Albert Christy's F & K Capsules* would be further effective to supply the needs of nails, hair, eyes, and skin; that the *Albert Christy's Tocopherol Capsules* would be further effective to promote general fitness, prevent impairment of mental alertness, and to profoundly affect the entire glandular system; that the *Albert Christy's Vitamin A and C Capsules* would be further effective to protect the respiratory tract against infection, to maintain and build resistance to colds, to promote growth and increase the life span, to prevent retarded growth, poor resistance to infections, lack of vigor, poor appetite, dry skin, weakness, sterility, loss in weight, and such infections as are common in various types of pyogenic processes affecting the eyes, tear ducts, tongue, alimentary tract, ear canal, sinuses, bladder, and kidneys, and would be effective to build and maintain strong teeth and bones, to improve the appetite, and to stimulate growth and tissue respiration; and that the *Albert Christy's Calvite Calcium Phosphorus and Vitamin D Capsules* would be further effective to prevent restlessness, lack of vigor, enlarged joints, curved spine, and retarded growth. The articles would not be effective for such purposes.

DISPOSITION: March 24, 1949. Default decree of condemnation and destruction.

2734. Misbranding of Sun-O-Ray Compound and Sun-O-Ray Inhalator. U. S. v. 93 Bottles, etc. (F. D. C. No. 26603. Sample Nos. 46440-K, 46521-K.)

LIBEL FILED: February 16, 1949, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about January 17 and 18, 1949, from Chicago, Ill.

PRODUCT: 93 1-ounce bottles and 22 4-ounce bottles of *Sun-O-Ray Compound* and 85 *Sun-O-Ray Inhalators* at St. Louis, Mo., in possession of George R. Thurman. The articles were offered by Mr. Thurman during lectures delivered by him in St. Louis on January 28, 29, and 31, 1949, for sinusitis, arthritis, asthma, weak eyes, running of the ears, loss of teeth, polio, and tuberculosis; for lubricating the eyes and joints; and for killing germs and purifying the air.

Analysis showed that the compound consisted of a mixture of volatile oils, including eucalyptus oil, camphor, and menthol, and that the inhalators consisted of glass tubes constricted at one end, and containing a wad of cotton between two perforated corks.

LABEL, IN PART: "Sun-O-Ray Compound [or "Inhalator"] Sun-O-Ray Products
* * * Chicago, Ill."

NATURE OF CHARGE: Misbranding, Section 502 (f) (1), the labeling of the articles failed to bear adequate directions for use for the purposes for which they were intended. The articles were misbranded while held for sale after shipment in interstate commerce.

DISPOSITION: May 18, 1949. Default decree of condemnation and destruction.